

REMARKS

I. Summary of Office Action

Claims 1-186 were pending in the above-identified patent application and claims 16-26, 38-52, 63-93, 109-119, 131-145 and 156-186 were withdrawn.

The Examiner rejected claims 1-4, 7-11, 94-97 and 100-104 under 35 U.S.C. § 103(a) as being unpatentable over Britt, Jr., U.S. Patent No. 6,141,678 (hereinafter "Britt") in view of Farris et al., U.S. Patent No. 5,881,131 (hereinafter "Farris"). Claims 5, 6, 13-15, 98, 99, and 106-108 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris and further in view of Alexander et al., U.S. Patent No. 6,177,931 (hereinafter "Alexander"). Claims 12 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris and further in view of Dillon et al., U.S. Patent Application Publication No. 2002/0059526 (hereinafter "Dillon"). Claims 27-31, 34, 35, 120-124, 127 and 128 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris and further in view of Cirasole et al., U.S. Patent No. 5,987,606 (hereinafter "Cirasole"). Claims 32, 33, 125 and 126 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris, Cirasole and further in view of Scharber et al., U.S. Patent No. 6,374,290 (hereinafter "Scharber"). Claims 36 and 129 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris, Cirasole, and further in view of Dillon. Claims 37 and 130 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt, Farris, Cirasole, and further in view of Alexander. Claims 53-62

and 146-155 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Farris.

II. Summary of Applicant's Reply

The Examiner's rejections are respectfully traversed.

A. The Rejections of Claims 1 and 94 over Britt in view of Farris

Applicant's claims 1 and 94 are directed to a method and system for allowing a user to access newsgroup listings via an interactive television application that is implemented using user television equipment. The user is allowed to issue a command associated with viewing the newsgroup listings. In response, newsgroup listings that are related to subject matters of the content displayed by the interactive television application are displayed.

Applicant respectfully submits that, whether taken singly or in combination, neither Britt nor Farris teach or suggest applicant's claims 1 and 94 at least because neither Britt nor Farris disclose the claimed features of "allowing [a] user to issue a command associated with viewing ... newsgroup listings" and "displaying the newsgroup listings on [a] display upon the user issuing the command, wherein all of the newsgroup listings that are displayed are related to subject matters of the content displayed on the display by [an] interactive television application" as specified in claims 1 and 94. Britt makes no mention of newsgroup listings, let alone displaying newsgroup listings related to subject matters of the content displayed by an interactive television application in response to a user command. Rather, Britt refers to a method and system for managing broadcast data. Closed captioning data that is retrieved from the broadcast data is compared with key

text data, and when there is a match, a viewer-selectable link is displayed that allows a user to view available additional information for a television program. See Britt, abstract; col. 1, lines 15-54; col. 6, line 26 through col. 7, line 11; and fig. 5.

Farris similarly fails to make any mention of displaying newsgroup listings related to subject matters of the content displayed by an interactive television application in response to a user command. Rather, Farris refers to an administration system for a telephone network. In particular, Farris discloses methods, for example, for maintaining connections to telephone customer facilities for a particular location when the customer at that location discontinues their service, and for efficiently handling service connection orders that may not otherwise flow through the system. Although Farris mentions Usenet newsgroups, they are only generally described in the context of example services in which the assignment and management of identification information is an important issue. Farris does not disclose anything pertaining to viewing newsgroup listings, much less disclose anything pertaining to displaying newsgroup listings related to subject matters of the content displayed by an interactive television application as is specified in applicant's claims 1 and 94. See Farris, abstract; col. 1, line 18 through col. 3, line 35; and col. 15, line 16 through col. 18, line 58; col. 22, line 52 through col. 23, line 2.

In addition, applicant respectfully submits that the alleged motivation given in the Office Action for combining Britt and Farris is insufficient as a matter of law. As described above, Britt refers to a television system for providing information to viewers by analyzing closed captioning data. In contrast, Farris refers to a system for administering telephone networks.

Therefore, applicant submits that, contrary to the Examiner's contention, the system in Britt is not analogous to the system in Farris. For at least this reason, then, the teaching in Farris of an administration system for telephone networks does not provide any suggestion or motivation to modify the Britt system to include the features of allowing a user to issue a command associated with viewing newsgroup listings, and of displaying the newsgroup listings as is specified in claims 1 and 94.

Applicant further submits that the Examiner has failed to provide the requisite motivation to apply Farris to Britt because the Examiner merely contends that that "it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Britt to access newsgroup listings, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information" (Office Action, page 3, lines 5-8). It is well-settled that an examiner can "satisfy [the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness] only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the reference." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner here has showed no such objective evidence.

Instead, the Examiner is merely making a broad conclusory statement and fails to point to any objective evidence in either Farris or Britt that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on

other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000). The Examiner has further only articulated a benefit that would be obtained through the practice of applicant's claims 1 and 94, rather than provide an objective teaching for combining Britt and Farris.

For at least the foregoing reasons, applicant respectfully submit that claims 1 and 94, and all claims depending therefrom, are allowable.

B. The Rejections of Claims 27 and 120
over Britt and Farris in view of Cirasole

Applicant's claims 27 and 120 are directed to a method and system for providing moderated newsgroup messages to a user of an interactive television application. An automatic filter is used to moderate the newsgroup messages. The user is allowed to use the interactive television application to access the newsgroup messages. In response, moderated newsgroup messages are displayed.

Applicant respectfully submits that, whether taken singly or in combination, neither Britt, Farris nor Cirasole teach or suggest applicant's claims 27 and 120 at least because none of the three cited references disclose the claimed features of "using an automatic filter to moderate [] newsgroup messages," "allowing [a] user to use [an] interactive television application to access the newsgroup messages," and "displaying moderated newsgroup messages to the user" as specified in claims 27 and 120. As stated above, Britt makes no mention of newsgroups, let alone moderating newsgroup messages using an automatic filter as recited in applicant's claims 27 and 120. As also stated above, although Farris describes Usenet newsgroups generally, Farris fails to make any mention of moderating newsgroup messages as specified in applicant's claims 27 and 120.

Cirasole likewise does not disclose anything pertaining to moderating newsgroup messages using an automatic filter. Rather, Cirasole refers to a method and system for filtering Internet content that is retrieved from an Internet network by a remote server and then forwarded to client computers. Cirasole makes no mention of using an automatic filter to moderate newsgroup listings, much less using an interactive television application to access and display moderated newsgroup messages as specified in applicant's claims 27 and 120. See Cirasole, abstract and col. 1, line 15 through col. 3, line 21.

In addition, applicant respectfully submits that the alleged motivation given in the Office Action for combining Britt, Farris and Cirasole is insufficient as a matter of law. As described above, Britt refers to a television system for providing information to viewers by analyzing closed captioning data, whereas, Farris refers to a system for administering telephone networks. Further still, Cirasole refers to an Internet system for filtering Internet content retrieved from an Internet computer network. Therefore, applicant submits that, contrary to the Examiner's contention, the Britt, Farris and Cirasole systems are not analogous. For at least this reason, then, the teaching in Cirasole of an Internet system does not provide any suggestion or motivation to modify the Britt and Farris systems to include the features of using an automatic filter to moderate newsgroup listings, allowing a user to access the newsgroup messages, and displaying the moderated newsgroup messages as is specified in claims 27 and 120.

Applicant further submits that the Examiner has failed to provide the requisite motivation for combining Farris, Britt and Cirasole because the Examiner merely contends that that "it would have been obvious at the

time to a person of ordinary skill in the art to modify the method and system disclosed by Britt and Farris to include using an automatic filter, as taught by Cirasole, for the benefit of providing control over the content delivered to users, such as providing parental control, or limiting content to specific subjects" (Office Action, page 10, lines 7-11). It is well-settled that an examiner can "satisfy [the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness] only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the reference." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner here has showed no such objective evidence.

Instead, the Examiner is merely making a broad conclusory statement and fails to point to any objective evidence in either Farris, Britt or Cirasole that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000). The Examiner has further only articulated a benefit that would be obtained through the practice of applicant's claims 27 and 120, rather than provide an objective teaching for combining Britt, Farris and Cirasole.

For at least the foregoing reasons, applicant respectfully submits that claims 27 and 120, and all claims depending therefrom, are allowable.

C. The Rejections of Claims 53 and 146
over Alexander in view of Farris

Applicant's claims 53 and 146 are directed to a method and system for displaying interactive program guide content to a user. Television programming is displayed in a reduced sized window in a first section of a display. Newsgroup content is simultaneously displayed in a second section of the display. The subject matter of the newsgroup content is related to the subject matter of the television programming.

Alexander generally refers to providing various improvements to electronic program guides ("EPGs"). These include, for example, improved viewer interaction capabilities with an electronic program guide, improved viewer control of video recording of programming, and improved features relating to electronic program guide display and navigation. However, Alexander does not teach the specific improvement of simultaneously displaying television programming in a reduced sized video window in a first section of a display, and newsgroup content in a second section of the display, where the subject matter of the newsgroup content is related to the subject matter of the television programming. See Alexander, abstract and col. 2, lines 3-20.

As stated above, although Farris describes Usenet newsgroups generally, Farris fails to make any mention of simultaneously displaying television programming in a reduced sized video window and newsgroup content, where the subject matter of the newsgroup content is related to the subject matter of the television programming, as specified in applicant's claims 53 and 146.

In addition, applicant respectfully submits that the alleged motivation given in the Office Action

for combining Alexander and Farris is insufficient as a matter of law. As described above, Alexander refers to an electronic program guide system. In contrast, Farris refers to a system for administering telephone networks. Therefore, applicant submits that, contrary to the Examiner's contention, the system in Alexander is not in an analogous art as the system in Farris. For at least this reason, then, the teaching in Farris of an administration system for telephone networks does not provide any suggestion or motivation to modify the Alexander system to include the feature of simultaneously displaying television programming in a reduced sized video window and newsgroup content, where the subject matter of the newsgroup content is related to the subject matter of the television programming as is specified in claims 53 and 146.

Applicant further submits that the Examiner has failed to provide the requisite motivation to apply Farris to Alexander because the Examiner merely contends that that "it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Alexander to access newsgroup content, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information" (Office Action, page 16, lines 15-18). It is well-settled that an examiner can "satisfy [the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness] only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the reference." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner here has showed no such objective evidence.

Instead, the Examiner is merely making a broad

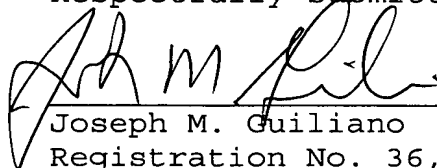
conclusory statement and fails to point to any objective evidence in either Alexander or Farris that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000). The Examiner has further only articulated a benefit that would be obtained through the practice of applicant's claims 53 and 146, rather than provide an objective teaching for combining Alexander and Farris.

For at least the foregoing reasons, applicant respectfully submits that claims 53 and 146, and all claims depending therefrom, are allowable.

VI Conclusion

In view of the foregoing, applicant respectfully submits that claims 1-15, 27-37, 53-62, 94-108, 120-130 and 146-155 are in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



Joseph M. Guiliano
Registration No. 36,539
Attorney for Applicant
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090